

**UNITED STATES DISTRICT COURT
for the
Eastern District of New York**

PAUL WALKER

Plaintiff,

- against-

**THE CITY OF NEW YORK,
QUEENS COUNTY DISTRICT ATTORNEY,
ASSISTANT DISTRICT ATTORNEY TARA
DIGREGORIO.)**

Defendants.

) Case No. 20 cv 05046 (FB)(RER)

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CIVIL CASE COMPLAINT

PAUL WALKER, Plaintiff, in this case, pursuant to Title 28 United States Code, section 1746,
hereby declares under the penalty of perjury:

1. That this is an action for damages for unlawful violation of civil rights under 42 U.S.C. §1983.
2. That the jurisdiction is valid under 28 U.S.C. §1331.
3. That the venue is proper under 28 U.S.C. §1391(b)(2) and §131(c)(2).
4. That at all times hereinafter mentioned, I, the Plaintiff, PAUL WALKER, is a citizen of the United States, and at the time of the incident, resided in the County of New York, in the State of New York.
5. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation, duly organized and existing pursuant to the laws of the State of New York.
6. The defendant, THE CITY OF NEW YORK, is charged with the duty to supervise, manage, and control its Police Department to prevent the violation of its citizens' civil rights.
7. That at all times hereinafter mentioned, the defendant, THE QUEENS COUNTY DISTRICT ATTORNEY OFFICE, of the County of Queens in the City of New York, is a

municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. On Friday, October 20, 2017, and at all times hereinafter mentioned, I, Plaintiff PAUL WALKER, was falsely arrested and maliciously prosecuted while at the home of my parents in the Ozone Park the Borough of Queens, New York.
9. That I, Plaintiff PAUL WALKER, was held in a police van for approximately 4 hours without being told the nature of my arrest.
10. At approximately 9:00 AM, I, Plaintiff PAUL WALKER, was transported to the 101st Precinct in Far Rockaway in the New York City borough of Queens.
11. I, Plaintiff PAUL WALKER, was later told that I was being charged with a robbery allegedly in Queens County. I was then transferred to Central Booking.
12. Plaintiff PAUL WALKER was told that I would not be arraigned because I had already been indicted.
13. On Friday, October 20, 2017, I, Plaintiff PAUL WALKER, was transferred to a facility in the New York City borough of the Bronx, where I was held until I went to Queens County Criminal Court on Monday, October 23, 2017.
14. Four (4) days after the arrest, I, Plaintiff PAUL WALKER, and an assigned attorney went before the Judge and was granted bail.
15. That I, Plaintiff PAUL WALKER, attended court proceedings over a period of more than one year, including and not limited to the following dates: 10/20/2017; 10/23/2017; 12/06/2017; 01/22/2018; 02/21/2018; 04/04/2018; 05/22/2018; 06/18/2018; 06/19/2018; 07/09/2018; 08/23/2018; 11/05/2018; 12/13/2018; 12/18/2018; 01/16/2019; 03/06/2019; 03/27/2019; 04/16/2019; 05/07/2019; 06/05/2019.
16. That ASSISTANT DISTRICT ATTORNEY TARA DIGREGORIO was and is an employee of defendant CITY was and is an agent servant and or employee of the CITY.
17. That ASSISTANT DISTRICT ATTORNEY TARA DIGREGORIO acted under the color of law and the color of her authority as an employee of the CITY. She was responsible for my criminal prosecution.
18. The case against me, Plaintiff PAUL WALKER, was dismissed with prejudice on June 5, 2019.

19. New York State Governor Andrew Cuomo lifted the stay of all statutes of limitations on November 4, 2020, pursuant to Executive Order 202.72. The stay had been in effect since March 20, 2020, because of the COVID-19 pandemic.
20. This action was commenced within one year of the expiration of the statute of limitations.

**AS FOR A FIRST CAUSE OF ACTION FOR MALICIOUS
PROSECUTION OF PLAINTIFF PAUL WALKER**

21. I, Plaintiff PAUL WALKER, repeats and realleges each and every allegation set forth above-numbered "1" thorough "20" inclusive with the same force and effect as if more fully set forth at length herein.
22. DEFENDANTS falsely, negligently, intentionally, knowingly, recklessly continued the criminal prosecution of me, the PLAINTIFF, when they had information knowing I did not rob the victim and was innocent of this crime.
23. DEFENDANTS knew that I, PLAINTIFF, had never even met the robbery victim, had never been to that part of Queens, was at a different location at the time to the crime, yet did not dismiss the case for policy reasons. The case was not dismissed until I; PLAINTIFF passed a lie detector test.
24. DEFENDANTS are not protected by absolute immunity when acting in an investigatory capacity.¹
25. As a result of the aforesaid malicious prosecution, I, Plaintiff PAUL WALKER, sustained injuries in the form of lost wages and loss of economic opportunities, along with humiliation, shame, indignity, and damaged reputation, days incarcerated, and severe emotional distress.

**AS FOR A SECOND CAUSE OF ACTION FOR CIVIL
RIGHTS VIOLATION OF PLAINTIFF PAUL WALKER**

26. I, Plaintiff, PAUL WALKER, repeats and realleges each and every allegation set forth above-numbered "1" thorough "25" inclusive with the same force and effect as if more fully set forth at length herein.

¹ *Crooks v. City of New York*, 2020 Slip Op 07161 (2nd Dept. December 2, 2020).

27. Because of the foregoing, I, Plaintiff, was deprived of my rights, privileges, and immunities secured by the U.S. Constitution, The State of New York, and 42 U.S.C. §1983 by those who, under the color of statute or regulation of a state caused me, PLAINTIFF to be so deprived.
28. That defendants, CITY, QUEENS DISTRICT ATTORNEYS' OFFICE, AND ASSISTANT DISTRICT ATTORNEY DIGREGORIO as policymakers were deliberately indifferent to deprivation of my rights, privileges, and immunities secured by the U.S. Constitution and the State of New York.
29. The defendants had deprived me, the Plaintiff, by their actions of my civil rights as guaranteed by 42 U.S.C. §1983.
30. Because of the foregoing, I have sustained injuries and damages as previously described.

RELIEF SOUGHT

31. Plaintiff seeks damages of \$1,250,000 for lost wages, loss of economic opportunities, humiliation and shame, days incarcerated, and severe emotional distress.

Dated: Bayonne, New Jersey
May 10, 2021

Yours, etc.



PAUL WALKER